

9 August 1974

The Honorable James R. Schlesinger
The Secretary of Defense
Washington, D. C.

Dear Jim:

As I promised, herewith a copy of a draft of the 'fact of' question. I would like to raise this at the NSCIC meeting next week, but I will not sign it without hearing from you. Would appreciate your thoughts.

Sincerely,

/s/ Bill

W. E. Colby
Director

Attachment

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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20305

MEMORANDUM FOR: The Honorable Henry A. Kissinger
Assistant to the President for
National Security Affairs

SUBJECT : Modification of Security Classification

REFERENCE : Your Memorandum, Subject: Modification of
the Security Controls for the Products of
Photographic Reconnaissance Satellites,
dated 23 November 1973

1. The referenced memorandum contains the President's approval of modifications of some of the special security controls related to the U. S. photographic satellite reconnaissance program. One of these changes provided that thenceforth:

"The fact that the United States Government conducts a photographic satellite reconnaissance program for foreign intelligence collection be classified SECRET."

2. The purpose of this memorandum is to seek Presidential instructions as to whether the above provision shall be continued or changed to provide that the "fact of" the program be unclassified. There is a difference of opinion within the Intelligence Community and the Departments affected with respect to this question.

3. The fact that the U. S. Government conducts a photographic satellite reconnaissance program is widely known and is frequently the subject of press and public comment. Retention of the classification places Government officials in the position of violating the classification or being unreasonably reticent in discussions with the Congress, the press, and the public. Important aspects of the program, such as the resolution, swath width, frequency, etc., should remain classified, but these can remain classified in the same fashion

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as communications intelligence programs remain classified despite unclassified (and statutory) recognition that the U. S. conducts communications intelligence operations. De-classifying the "fact of" the program would also open the opportunity of declassifying individual products of the program for public release where necessary classified aspects are not revealed, permitting greater public understanding of a number of important political or military matters. The erroneous disclosure of the U-2 photography over Cuba in 1962, and its value in convincing the world of the presence there of offensive missiles, was a dramatic example of the potential use of such material. Finally, it is almost impossible to justify the retention of a classification for the "fact of" the program under Executive Order 11652 standards for classification.

4. Objection to the declassification of the "fact of" the program rests on two major arguments. The first is the possibility that official admission by the U. S. of such programs could produce difficulties in our relationships with certain of the nations photographed. The question could become an issue in the United Nations over "unauthorized surveillance" of national territories, and the Soviet Union could be particularly disturbed by public recognition of this capability, which it has veiled under the euphemism of "national technical means of verification" in the Strategic Arms Limitation Agreements. The second reason is that declassification of the "fact of" the program could loosen the disciplinary tradition which has grown up within the Intelligence Community and its customers around this program as a whole. The fear is that this could then result in the exposure of details and related aspects of the program which continue to require the highest classification, e.g., SIGINT satellite reconnaissance, resolution, etc. In this view, declassification of the "fact of" would be apt to encourage public discussion of this field and lead to an erosion of the security standards which have characterized it, especially at lower echelons where the subtlety of declassification of only the "fact of" the program might be lost.

5. This matter was discussed in some detail at the USIB meeting on 11 July 1974, and the various points of view above articulated. I advised the USIB membership that I would present the alternate views when presenting the question for decision.

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6. I recommend that this question be discussed at the forthcoming meeting of the National Security Council Intelligence Committee. My own recommendation is to declassify the "fact of" photographic satellite reconnaissance by the U. S. I believe this should be done as follows:

a. The President be advised of the argumentation above and issue a decision that the fact that the U. S. Government conducts a photographic satellite reconnaissance program for foreign intelligence collection will be unclassified.

b. The change be implemented simply by changing the appropriate security regulations.

c. There be no official public announcement of the change, and an effort be made to minimize publicity about it.

d. All other aspects of the U. S. satellite reconnaissance program for the collection of foreign intelligence remain classified in accordance with existing regulations.

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